



STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

August 22, 2006

Penny Coleman, Acting General Counsel
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

Dear Ms. Coleman:

**SUBJECT: COMMENTS ON ELECTRONIC OR ELECTROMECHANICAL
FACSIMILE DEFINITION**

The Washington State Gambling Commission appreciates the opportunity to comment on the May 25, 2006 draft of proposed rules pertaining to Class II electronic devices. We acknowledge and respect Tribal and the National Indian Gaming Commission (NIGC) jurisdiction relative to Class II gambling. However, as the State Gaming Agency, we do have an interest in ensuring electronic gaming devices referred to as Class II are not merely a guise for what is actually a Class III gambling device.

Under the proposed rules, you identified three criteria outlined in the Indian Gaming Regulatory Act (IGRA) that make up the game of chance commonly known as Bingo:

1. The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations;
2. The holder of the card covers such numbers or other designations when objects, similarly numbered or designated, are drawn or electronically determined; and
3. The game is won by the first person covering a previously designated arrangement of numbers or designation on such cards.

We appreciate the NIGC conclusions that at least half the screen must be a Bingo card. We also agree with the NIGC requirements to "draw the balls" when the game is played rather than before, and we agree to the NIGC described pull-tab classification criteria.

However, we must ask why anything but a bingo card should be displayed. We find no court case or decisions that conclude that any other graphic display would be considered a "technological aid" to playing bingo. Mechanical reels or similar displays only confuse the player and do not aid in playing bingo. The clear intent of the "technological aid" provision would be to facilitate play or allow other players to participate, not to change the appearance of what is being

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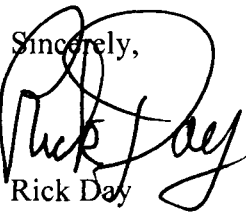
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National Indian Gaming Commission
August 22, 2006
Page 2

played. IGRA specifically states that Class II gaming does not include electronic or electromechanical facsimiles of any game of chance or slot machines of any kind. We propose that any display that appears to the players as anything but bingo misrepresents the game and does not comply with IGRA.

NIGC technical standards do not include specifications that could record the proper information from all terminals in play between distant locations. As a result, the NIGC provision allowing multiple casinos to be linked for the same bingo game makes it technologically impossible to ensure that the game is won by the first person covering a previously designated pattern on a card.

Finally, the NIGC provision to require players to pay additional money (ante-up) in order to remain in a bingo game does not allow the player to win the first prize. The player purchased a card to participate in the game that is played for prizes. The NIGC has already correctly determined that there must be more than one drawing to determine a winner. Yet, no one person can win on the first drawing, which would make it impossible for a game to be played for a prize.

Washington remains among the states firmly committed to strong partnerships with tribal governments engaged in Class III gaming. Thank you again for this opportunity to comment.

Sincerely,

Rick Day
Director

cc: John Lane, Executive Policy Advisor, Governor's Office
Jerry Ackerman, Senior Counsel, Attorney General's Office